STATE OF NEW YORK

1518

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring reporting of positive cytomegalovirus test results

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 21 of the public health law is amended by adding a new title 9 to read as follows:

TITLE IX

CYTOMEGALOVIRUS

Section 2185. Cytomegalovirus; duty to report.

§ 2185. Cytomegalovirus; duty to report. 1. Upon notice to a local health department through the electronic clinical laboratories reporting system that a newborn has tested positive for cytomegalovirus, the local health department shall immediately contact the pediatrician of record for such newborn and notify such pediatrician of the positive result. If such pediatrician cannot be notified, then the local health department shall contact the chief of newborn services at the hospital in which the newborn was born. If such chief of newborn services cannot be contacted, then the local health department shall contact the medical director at the hospital in which the newborn was born.

2. The local health department shall simultaneously contact the parent of any newborn with a positive test result for cytomegalovirus to inform them that the newborn has tested positive for cytomegalovirus.

3. If the positive test was from a saliva specimen, a polymerase chain reaction urine test as required pursuant to section twenty-five hundred-a of this chapter shall be administered as soon as possible, provided that the newborn is no more than three weeks in age, to confirm the test result.

4. If a urine test administered pursuant to subdivision three of this section confirms that the results are positive, the local health

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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department shall immediately contact the pediatrician of record for such newborn and notify such pediatrician of the positive result. If such pediatrician cannot be notified, then the local health department shall contact the chief of newborn services at the hospital in which the newborn was born. If such chief of newborn services cannot be contacted, then the local health department shall contact the medical director at the hospital in which the newborn was born. In addition, the parent or guardian of the newborn shall be contacted no later than one week from such positive result and shall be referred to a pediatric infectious disease specialist to perform a full examination before such newborn reaches four weeks of age. Such examination shall include, but not be limited to:

(a) Measurement of head circumference;

(b) Head sonogram;

(c) Blood tests including a complete blood count and liver function tests;

(d) Eye exam by an ophthalmologist; and

(e) Hearing evaluation by auditory brainstem response.

5. Upon notification of a positive urine test result for cytomegalovirus administered pursuant to subdivisions three and four of this section, the local health department shall contact the pediatrician or hospital chief of newborn services or the hospital medical director, and the parent or guardian, to ensure the referral to a pediatric infectious disease specialist pursuant to subdivision four of this section was completed.

6. The commissioner shall cause cytomegalovirus to be added to the list of communicable diseases designated pursuant to 10 NYCRR part 2.1.

7. For the purposes of this section, the term "newborn" shall include any infant of the age of thirty-one days or less.

§ 2. This act shall take effect immediately.